

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**LETTERS PATENT APPEAL No. 405 of 2006****In****SPECIAL CIVIL APPLICATION No. 2943 of 2006****With****CIVIL APPLICATION No. 3124 of 2006****In LETTERS PATENT APPEAL No. 405 of 2006****For Approval and Signature:****HONOURABLE MR.JUSTICE A.M.KAPADIA****HONOURABLE MR.JUSTICE K.A.PUJ**

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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RANJITSINJ BANESINHBHAI DABHI - Appellant(s)**Versus****STATE OF GUJARAT & 2 - Respondent(s)**

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Appearance :

MR SHALIN N MEHTA for Appellant(s) : 1,

MR APURVA DAVE ASSTT.GOVERNMENT PLEADER for Respondents

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CORAM : HONOURABLE MR.JUSTICE A.M.KAPADIA**and****HONOURABLE MR.JUSTICE K.A.PUJ****Date : 23/04/2007**

ORAL JUDGMENT**(Per : HONOURABLE MR.JUSTICE K.A.PUJ)**

1. **Admitted.** At the joint request of the parties, the matter is taken up for final hearing today.

2. The appellant has filed this Letters Patent Appeal under clause 15 of the Letters Patent challenging the order dated 24.2.2006 passed by the learned Single Judge of this Court in Special Civil Application No. 2943 of 2006.

3. This Court has initially issued notice on 17.3.2006 making it returnable on 21.4.2006. Thereafter an order was passed on 13.10.2006 whereby this Court has observed that without prejudice to the right of the appellant, it would be open to the appellant to approach the respondent authorities with a request to give some suitable work of a daily wager and if there is suitable work, the respondent shall engage the appellant as a daily wager.

4. Mr. Shalin Mehta, learned advocate appearing for the appellant, submits that it appears that in

pursuance of that order the appellant has not approached the respondent authorities.

5. Heard Mr. Shalin Mehta, learned advocate appearing for the appellant and Mr. Apurva Dave, learned AGP appearing for the respondents.

6. While disposing of the petition, the learned Single Judge has observed that the respondent authorities shall examine the matter for payment of remuneration for the period from April 2005 to July 2005 and shall examine the matter in light of the observations made in the said order and shall take the appropriate decision within a period of one month from the receipt of the said Order. The learned Single Judge has further observed that in the event it is found that the petitioner was appointed under the lawful authority and the remuneration is not paid, simultaneously, the order shall be passed for disbursement of the remuneration. If the order is otherwise the petitioner shall be communicated accordingly.

7. Mr. Shalin Mehta, learned advocate appearing for the appellant, has however submitted that pursuant to the aforesaid order passed by this court on 13.10.2006 if the appellant is permitted to make a representation before the authorities for any suitable work of daily wage, the appellant will make such a representation to the respondent authorities and the same may be considered by the respondent authorities sympathetically.

8. Mr. Apurva Dave, learned AGP, has submitted that if such a representation is made by the appellant, the same will be considered on its own merits.

9. After having heard the learned advocates appearing for the respective parties, we are of the view that interest of justice would be met if the appellant is directed to make a representation to the respondent authorities within four weeks from today and if such a representation is made by the appellant, the same shall be considered by the respondent authorities within a period of three months from the date of receipt of the

representation, and if there is any suitable work available for the appellant the same shall be considered sympathetically.

10. Subject to the aforesaid directions and observations, this appeal is accordingly disposed of with no order as to costs.

11. Since the appeal is disposed of, no order is required to be passed in the Civil Application and hence the Civil Application is accordingly disposed of with no order as to costs.

(A.M. Kapadia, J.)

(K.A. Puj, J.)

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